

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☒ FEPA☐ EEOC

Maryland Commission on Civil Rights

and EEOC

State or local Agency, if any

Name (Indicate Mr., Ms., Mrs.)

Ms. Farryn Johnson

Home Phone (Incl. Area Code)

Date of Birth

Street Address

City, State and ZIP Code

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

Hooters of America, LLC

No. Employees, Members

Over 501

Phone No. (Include Area Code)

(770) 951-2040

Street Address

City, State and ZIP Code

1815 The Exchange, Atlanta, GA 30339

Name

Hooters of Harborplace, LLC

No. Employees, Members

Over 50

Phone No. (Include Area Code)

(410) 244-0367

301 Light Street, Suite 173, Baltimore, MD 21202

DISCRIMINATION BASED ON (Check appropriate box(es).)

☒ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN
☐ RETALIATION ☐ AGE ☐ DISABILITY ☐ GENETIC INFORMATION
☐ OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

6/30/13

8/23/13

☐

CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

Farryn Johnson brings this charge against Hooters of America, LLC and Hooters of Harborplace, LLC (collectively, "Hooters") to oppose Hooters' imposition of racially discriminatory terms and conditions of employment and Hooters' termination of her employment because of her race. As described below, Hooters maintains discriminatory standards governing how African-American Hooters Girls must maintain their hair. While non-African-American Hooters Girls with naturally brown or black hair may wear blond streaks in their hair or dye their hair red, Hooters prohibits African-American Hooters Girls from wearing blond highlights in their hair. Similarly, Hooters prohibits African-American Hooters Girls from wearing their hair curly, while permitting white Hooters Girls to do so.

Farryn Johnson began working as a Hooters Girl at the Baltimore Harborplace Hooters restaurant in September 2012. On June 30, 2013, Ms. Johnson arrived at work with blond highlights in her hair. Manager Dave Dobrinski told Ms. Johnson that she could not have blond highlights because it did not look "natural" on an African-American woman. That same day, General Manager Tim Ashby issued Ms. Johnson an Employee Counseling Report, attached as Exhibit A, as a first written warning related to her hair color.

(continued on attached page)

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

RECEIVED

OCT 21 2013

Date

Charging Party Signature

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

INTAKE, MCHIR

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Page 2 of 3

Mr. Ashby gave Ms. Johnson six weeks to change her hair color.

Although Hooters claimed that Ms. Johnson's hair color violated employee image standards, it permitted non-African-American Hooters Girls to dye their hair colors that were significantly different from their natural hair colors. For example, Hooters permitted Carroll Tran, an Asian-American former employee with naturally black hair, to work with her hair dyed red. Hooters also permitted Briana Swilling, a white employee with naturally dark brown hair, to work with the tips of her hair dyed red and blond. Paris (last name unknown), a white former Hooters Girls with naturally dark brown hair regularly worked with her hair dyed red and had no issues with management over her hair color. Similarly, Leanna Davis, another white employee with naturally brown hair, has her hair dyed black with blond streaks, but has not been disciplined by Hooters' management.

The only other employees who have been disciplined because of their hair have been African-American women. Management told Tasia Talbert, an African-American former Hooters Girl at the Inner Harbor Hooters, to remove blond highlights from her hair and to stop wearing her hair curly (white women were permitted to wear their hair curly to work). Management also told another current African-American Hooters Girl to straighten her hair and not come to work with curly hair. Hooters management disciplined this current employee when she came to work with curly hair on a few occasions.

Because Ms. Johnson could not afford to have her hair color changed, she continued to report to work with blond highlights in her hair. In July 2013, Mr. Ashby again warned Ms. Johnson that she needed to change her hair color because it was "not natural." He told Ms. Johnson that Hooters' policy required employees to keep their hair color within two shades darker or lighter than their natural hair color. Ms. Johnson brought up two white employees, Paris and Ms. Davis, who had their hair dyed colors outside of this supposed "two-shades" rule. Yet Mr. Ashby dismissed these comparisons, stating that Paris's dyed red hair was acceptable because there were not many natural red heads in the world and that they simply were not talking about Ms. Davis. Ms. Johnson asked if she was prohibited from having blond coloring in her hair because she is black, and Mr. Ashby answered affirmatively.

On Monday, August 12, 2013, Mr. Ashby issued Ms. Johnson a second written warning and sent Ms. Johnson home before her scheduled shift was about to start. He told her that she could not return to work until she changed her hair color. When Ms. Johnson asked him if he could consult with the corporate office about his decision, he told her that he already had and that this was why he was not permitting her to work her shift. Later that week, on her scheduled day, Ms. Johnson called Mr. Ashby to ask if she could return to work. Mr. Ashby again told her she could not work until she changed her hair color. On Tuesday, August 20, 2013, Ms. Johnson attempted to return to work, but Mr. Ashby sent her home.

(continued on attached page)

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I declare under penalty of perjury that the above is true and correct.

Date

Charging Party Signature

NOTARY – When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

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Page 3 of 3

When Ms. Johnson attempted to return to work on Friday, August 23, with blond highlights still in her hair, Mr. Ashby issued her an Employee Counseling Report terminating her employment, attached as Exhibit B. According to the report, Hooters terminated Ms. Johnson because of her "improper image."

Because Hooters permits non-African-American women with their hair dyed colors vastly different from their natural hair colors to work as Hooters Girls, I believe Hooters only deemed my hair color "improper" because I am an African-American woman. I was discharged because Hooters imposes different and more restrictive beauty standards on African-American women than it does on women of other races.

I solemnly affirm under the penalty of perjury that the contents of the foregoing paper are true to the best of my knowledge, information, and belief.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

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SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

10-21-13

Date

Juniper Johnson

Charging Party Signature